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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,961	08/27/2003	George Zavaliagkos	19736-015	8089

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EXAMINER	
PATEL, HEMANT SHANTILAL	
ART UNIT	**PAPER NUMBER**
2614	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/650,961	ZAVALIAGKOS ET AL.	
	Examiner	Art Unit	
	Hemant Patel	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *5,9-13,15,21-23,25,34-38 and 40-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *5,9-13,15,21-23,25,34-38 and 40-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The Applicant Response dated May 10, 2006 to an Office Action dated February 10, 2006 is entered. Claims 5, 9-13, 15, 21-23, 25, 34-38, 40-50 are pending in this application.

Response to Amendment

2. Applicant's arguments with respect to claims 5, 9-13, 15, 21-23, 25, 34-38, 40-50 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 34, 40 are objected to because of the following informalities: These claims have wrong status information. It should be currently amended. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 5 recites the limitation "the listener" (ll. 14). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 5, 9-13, 15, 21-23, 25, 34-38, 40-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Hejna (US Patent Application Publication No. 2003/0046080 A1).

Regarding claim 5, Hejna teaches of a computer program product residing on a computer-readable medium (Fig. 1, item 75, Paragraph 0121) and comprising computer-readable, computer-executable instructions for causing a computer to:

analyze a first playback speed history for at least one audio recording recorded by a first speaker (Paragraph 0078, Media Work Content Information i.e. audio recording) and played by a first listener (Fig. 3, user A), the playback speed history being indicative of at least one playback speed associated with the at least one audio recording (Fig. 1, item 600, Paragraph 0093); and

determine from the first playback speed history (Fig. 2, item 1540, TSM * play_cnt) and a current playback speed setting (Fig. 2, item 1540, TSM_rate) a speed setting for playback of another audio recording (Fig. 2, item 1540, TSM i.e. new TSM) recorded by the first speaker to be played by the first listener (Fig. 2, item 1540,

Paragraphs 0119, 0120; Paragraph 0082, presenting the unperceived MW using the results previously generated by the same or different Audience; Paragraph 0088, the representation produced by the PR/Content Correlator will be used for the selection of PRs when presenting new MWs i.e. using playback speed generated in case of one recording for another recording),

wherein the instructions are configured to cause the computer to determine the speed setting by modifying an adjustment to be made to the current playback speed setting based at least on an average playback speed of multiple speakers listened to by the listener (Paragraph 0059, CPRA includes algorithm that determines Presentation Rate (PR, i.e. playback) using MWCI contained in CPRA, Paragrpah 0062 MWCI contains speaker identity for the recording listened to by the listener. The MWCI stores speaker identity for the whole recording or all different portions of recording. Thus for a particular subject or topic, several speakers can record their commentaries which will be listened to by the listener).

Regarding claim 9, Hejna teaches of a computer program product residing on a computer-readable medium (Fig. 1, item 75, Paragraph 0121) and comprising computer-readable, computer-executable instructions for causing a computer to:

analyze a first playback speed history for at least one audio recording recorded by a first speaker (Paragraph 0078, Media Work Content Information i.e. audio recording) and played by a first listener (Fig. 3, user A), the playback speed history being indicative of at least one playback speed associated with the at least one audio recording (Fig. 1, item 600, Paragraph 0093); and

determine from the first playback speed history (Fig. 2, item 1540, TSM * play_cnt) and a current playback speed setting (Fig. 2, item 1540, TSM_rate) a speed setting for playback of another audio recording (Fig. 2, item 1540, TSM i.e. new TSM) recorded by the first speaker to be played by the first listener (Fig. 2, item 1540, Paragraphs 0119, 0120; Paragraph 0082, presenting the unperceived MW using the results previously generated by the same or different Audience; Paragraph 0088, the representation produced by the PR/Content Correlator will be used for the selection of PRs when presenting new MWs i.e. using playback speed generated in case of one recording for another recording),

wherein the instructions are configured to cause the computer to analyze the first playback speed history to determine indication of willingness/reluctance of the listener to listen to recordings of the speaker faster than the current playback speed (Paragraphs 0194-0198, 0215-0220, the new speed is based on analysis of previous PR (TSM rate) and is used to determine increase (willingness) or decrease (reluctance) in playback speed) by ignoring a speed setting in the first playback speed history (Paragraphs 0198, 0219, this willingness or reluctance is based on previous TSM rate received as a result of look-up. The effect of this looked-up (historic speed setting) TSM rate on new TSM rate is overridden (ignored) by user manually controlling the PR (TSM rate)).

Regarding claim 10, Hejna teaches of a Slew_Limit that controls the rate of change of the PR (playback rate) which essentially ignores the effect of speed setting in the playback speed history (Paragraphs 0220-0221).

Regarding claim 11, Hejna teaches of averaging the presentation rate (playback speed) setting (Fig, 2, step 1540).

Regarding claim 12, Hejna teaches of initial presentation rate (initial speed setting for playback) for unperceived MWs derived from previous Audience responses to another MW (Paragraph 0082).

Regarding claim 13, Hejna teaches of storing determined presentation rate (playback speed setting) for future presentation rate (speed) settings (Fig. 2, step 1550, Paragraph 0114).

Regarding claim 15, Hejna teaches of a computer program product residing on a computer-readable medium (Fig. 1, item 75, Paragraph 0121) and comprising computer-readable, computer-executable instructions for causing a computer to:

analyze a first playback speed history for at least one audio recording recorded by a first speaker (Paragraph 0078, Media Work Content Information i.e. audio recording) and played by a first listener (Fig. 3, user A), the playback speed history being indicative of at least one playback speed associated with the at least one audio recording (Fig. 1, item 600, Paragraph 0093); and

determine a speed setting for playback of another audio recording (Fig. 2, item 1540, TSM i.e. new TSM) recorded by a second speaker to be played by a second listener (Fig. 2, item 1540, Paragraphs 0119, 0120; Paragraph 0082, presenting the unperceived MW using the results previously generated by the same or different Audience; Paragraph 0088, the representation produced by the PR/Content Correlator

will be used for the selection of PRs when presenting new MWs i.e. using playback speed generated in case of one recording for another recording),

wherein the speed setting is determined based on at least one of an amount of time, *a number of transcriptions reviewed by the first listener* (Fig. 1, item 1540, play_cnt, a count incremented for every playback of a particular recording by a listener), and *a number of transcriptions of the first speaker reviewed by the first listener* (Fig. 1, item 1540, play_cnt, a count incremented for every playback of a particular recording of a speaker by the listener).

Regarding claim 21, Hejna teaches of a device for use in a transcription editing system for editing transcriptions of dictations from speakers by transcriptionists, the device comprising:

an interface configured to receive historical indicia of playback speeds used by the transcriptionists (Fig. 10, speed contour input to TSM Rate Determiner 5400); and

playback speed means (Fig. 10, TSM rate arbiter 5400), coupled to the interface, for determining and setting a future playback speed for a selected transcriptionist based on a historical playback speed associated with at least one of the transcriptionists (Fig. 10, speed contour that was set up for a recording when listened to by a listener), and for sending a future-speed indication of the future playback speed to the interface (Fig. 10, TSM Rate from TSM Rate Determiner 5400 to TSM Subsystem 5300), the future playback speed determined using a current playback speed setting associated with at least one of the transcriptionists and a speaker (this new TSM Rate is determined using speed contour set up when recording of a speaker was listened to by listener);

wherein the historical playback speed is indicative of at least one playback speed associated with a playback speed used by at least one of the transcriptionists (the speed contour is indication of the speed with which the listener listened to a particular recording), the interface is further configured to convey the future-speed indication from the playback speed means (the resultant TSM Rate),

wherein the playback speed means analyzes the historical playback speed indicia to determine an indication of a willingness/reluctance of the at least one transcriptionist to listen to recordings of a speaker faster than the current playback speed (Paragraphs 0194-0198, 0215-0220, the new speed is based on analysis of previous PR (TSM rate) and is used to determine increase (willingness) or decrease (reluctance) in playback speed), the indication of willingness/reluctance being determined by ignoring a speed setting in the historical playback speed indicia (Paragraphs 0198, 0219, this willingness or reluctance is based on previous TSM rate received as a result of look-up. The effect of this looked-up (historic speed setting) TSM rate on new TSM rate is overridden (ignored) by user manually controlling the PR (TSM rate)).

Regarding claim 22, Hejna teaches of a database storing historical presentation rate (playback indicia) locally or distributed and communicating over networks (Paragraph 0050).

Regarding claim 23, Hejna teaches of future TSM rate that is same as initial (looked-up TSM rate from speed contour) TSM rate (i.e. offset value is zero) (Paragraphs 0195-0197).

Regarding claim 25, Hejna teaches of a device for use in a transcription editing system for editing transcriptions of dictations from speakers by transcriptionists, the device comprising:

an interface configured to receive historical indicia of playback speeds used by the transcriptionists (Fig. 10, speed contour input to TSM Rate Determiner 5400); and

playback speed means (Fig. 10, TSM rate arbiter 5400), coupled to the interface, for determining and setting a future playback speed for a selected transcriptionist based on a historical playback speed associated with at least one of the transcriptionists (Fig. 10, speed contour that was set up for a recording when listened to by a listener), and for sending a future-speed indication of the future playback speed to the interface (Fig. 10, TSM Rate from TSM Rate Determiner 5400 to TSM Subsystem 5300), the future playback speed determined using a current playback speed setting associated with at least one of the transcriptionists and a speaker (this new TSM Rate is determined using speed contour set up when recording of a speaker was listened to by listener);

wherein the historical playback speed is indicative of at least one playback speed associated with a playback speed used by at least one of the transcriptionists (the speed contour is indication of the speed with which the listener listened to a particular recording), the interface is further configured to convey the future-speed indication from the playback speed means (the resultant TSM Rate),

wherein the playback speed means is determined by at least one of an amount of time, *a number of transcriptions reviewed by the first listener* (Fig. 1, item 1540, play_cnt, a count incremented for every playback of a particular recording by a listener),

and *a number of transcriptions of the first speaker reviewed by the first listener* (Fig. 1, item 1540, play_cnt, a count incremented for every playback of a particular recording of a speaker by the listener).

Regarding claim 34, it recites a method substantially similar to that performed when executing instructions as claimed in claim 9. Refer to rejection for claim 9.

Regarding claim 35, refer to rejection for claim 10 and claim 34.

Regarding claim 36, refer to rejection for claim 11 and claim 34.

Regarding claim 37, refer to rejection for claim 12 and claim 34.

Regarding claim 38, refer to rejection for claim 13 and claim 34.

Regarding claim 40, Hejna teaches of a method of determining a transcription audio playback speed, the method comprising:

analyzing a first playback speed history for at least one audio recording recorded by a first speaker (Paragraph 0078, Media Work Content Information i.e. audio recording) and played by a first listener (Fig. 3, user A), the playback speed history being indicative of at least one playback speed associated with the at least one audio recording (Fig. 1, item 600, Paragraph 0093); and

determining from the first playback speed history (Fig. 2, item 1540, TSM * play_cnt) a speed setting for playback of another audio recording (Fig. 2, item 1540, TSM i.e. new TSM) recorded by a second speaker to be played by a second listener (Fig. 2, item 1540, Paragraphs 0119, 0120; Paragraph 0082, presenting the unperceived MW using the results previously generated by the same or different Audience; Paragraph 0088, the representation produced by the PR/Content Correlator

will be used for the selection of PRs when presenting new MWs i.e. using playback speed generated in case of one recording for another recording),

wherein the first playback speed history (Fig. 1, item 1550, TSM stored in database) is determined based on at least one factor comprising at least one of an amount of time, *a number of transcriptions reviewed by the first listener* (Fig. 1, item 1540, play_cnt, a count incremented for every playback of a particular recording by a listener), and *a number of transcriptions of the first speaker reviewed by the first listener* (Fig. 1, item 1540, play_cnt, a count incremented for every playback of a particular recording of a speaker by the listener).

Regarding claims 41, 42, Hejna teaches of determining the speed setting using current playback speed setting (Fig. 2, step 1540, variable TSM_rate) associated with current user i.e. second listener (which can be first user A again) listening to second speaker (i.e. the same content which means same speaker).

Regarding claims 43, Hejna teaches of determining the speed setting for playback of another audio recording (Fig. 2, item 1540, TSM i.e. new TSM; Paragraphs 0119, 0120; Paragraph 0082, presenting the unperceived MW using the results previously generated by the same or different Audience; Paragraph 0088, the representation produced by the PR/Content Correlator will be used for the selection of PRs when presenting new MWs i.e. using playback speed generated in case of one recording for another recording. Thus the new speed setting is initial speed setting for unperceived MW playback and also it is unchanged, Paragraph 0195).

Regarding claims 44, Hejna teaches of storing the new TSM rate (playback speed) (Fig. 2, item 1550) and this stored TSM rate (historical speed setting) is used again for future playing of the recording (Fig. 2, items 1500, 1510, 1520, 1530, 1540, 1560) to derive new TSNM rate for the corresponding future playback.

Regarding claims 45, Hejna teaches of MW (audio recording) with multiple portions, each with its speaker identity (Paragraph 0062, The MWCI stores speaker identity for the whole recording or all different portions of recording. Thus for a particular subject or topic, several speakers can record their commentaries which will be listened to by the listener. This MWCI information through CPRA is used to determine TSM rate, Paragraph 0059). Thus while listening to portion of one speaker, the speed for the portion of the recording by second speaker will be determined, and it adjusts the current speed setting, based on PR history of the second portion that was accumulated by the first listener listing to the same recording in the past.

Regarding claims 46, Hejna teaches of average playback speed (Fig. 2, item 1540) associated with the first listener (same listener listening to the same recording repeatedly would build the history for the same first listener).

Regarding claims 47, 48, Hejna teaches of quantized values (ranges) of PR (TSM rate i.e. playback speed) used to adjust the resultant PR (Paragraphs 100-105).

Regarding claims 49, 50, refer to rejections for claim 40, claim 41 and claim 42.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,374,225 B1 Hejna

US Patent No. 6,996,445 B1 Kamijo

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant Patel whose telephone number is 571-272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hemant Patel
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